

(6) Not applicable under Section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: March 28, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95-8052 Filed 3-31-95; 8:45 am]

BILLING CODE 4410-02-M

Office of the Assistant Attorney General for Civil Rights

Certification of Washington State Regulations for Barrier Free Design Under the Americans With Disabilities Act

AGENCY: Department of Justice.

ACTION: Notice of certification.

SUMMARY: The Department of Justice has certified that the Washington State Regulations for Barrier Free Design meet or exceed the new construction and alterations requirements of title III of the Americans with Disabilities Act (ADA).

EFFECTIVE DATE: March 29, 1995.

ADDRESSES: Inquiries may be addressed to: John Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, DC 20035-6738.

FOR FURTHER INFORMATION CONTACT: John Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, DC 20035-6738. Telephone number (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

SUPPLEMENTARY INFORMATION:

Background

The ADA authorizes the Department of Justice, upon application by a State or local government, to certify that a State or local law that establishes accessibility requirements meets or exceeds the minimum requirements of title III of the ADA for new construction and alterations. 42 U.S.C. 12188(b)(1)(A)(ii); 28 CFR 36.601 through 36.608. Certification constitutes rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in accordance with the certified code complies with the new construction and alterations requirements of title III of the ADA.

By letter dated January 27, 1992, the Washington State Building Code

Council (Council) requested certification that the Washington State Regulations for Barrier Free Design (code) meets or exceeds the new construction and alterations requirements of title III of the ADA.

On May 20, 1993, after consulting with the Architectural and Transportation Barriers Compliance Board (Access Board), the Department provided technical assistance to the Council identifying issues that needed to be addressed before certification could be considered.

On August 20, 1993, the Council made a supplemental submission, providing its 1992 amendments to the code, newly-issued interpretations of the code, and comments responding to the Department's preliminary response. By letter dated March 23, 1994, the Council provided further supplementation of its submission.

On July 22, 1994, the Department responded to the supplemental submissions. On November 17, 1994, the Council adopted amendments to the code addressing the remaining issues raised by the Department. By letter dated November 28, 1994, the Council submitted those amendments as a supplement to its certification request.

The Department has analyzed the Washington code, as adopted on November 8, 1991, and amended on November 13, 1992, and November 17, 1994, and has preliminarily determined that it meets or exceeds the new construction and alterations requirements of title III of the ADA. By letter dated December 6, 1994, the Department notified the Council of its preliminary determination of equivalency.

On January 12, 1995, the Department published a notice in the **Federal Register** (60 FR 2986) announcing its preliminary determination of equivalency and requesting public comments thereon. The period for submission of written comments ended on March 13, 1995. In addition, the Department held public hearings in Seattle, Washington on January 27, 1995, and in Washington, DC on March 27, 1995.

The Department received six written comments and 17 persons testified at the hearings. Comments and testimony were submitted by building officials, disability-rights advocates, design professionals, and interested individuals, including individuals with disabilities. The Department has read and analyzed each comment, as well as the testimony submitted at the hearings, and has consulted with the Access Board.

The vast majority of comments supported certification of the Washington code. One individual commented that he did not believe the Washington code was equivalent regarding regulation of maximum activating force for door and window hardware. However, close examination of the ADA Standards for Accessible Design reveals that they do not address maximum activating force for such elements. Therefore, the Washington code is, in fact, equivalent in this respect. All the remaining comments supported equivalency and certification.

Based on these comments, the Department has determined that the Washington code is equivalent to the new construction and alterations requirements of title III of the ADA. Therefore, the Department has informed the submitting official of its decision to certify the Washington code and has issued a seal of certification.

Limitations of Certification

The certification determination is limited to the version of the Washington code, including the amendments and interpretations, that has been submitted to the Department. The certification does not apply to amendments or interpretations that have not been submitted and reviewed by the Department.

The certification does not apply to any elements or features not addressed in the Washington code. If a builder incorporates such elements, he or she will not be entitled to rely on the rebuttable evidence of ADA compliance provided by certification for those elements. Nor does the certification apply to the Appendix provisions of the Washington code, which are advisory only. Finally the certification does not apply to waivers granted under the Washington code by local building officials. Therefore, if a builder receives a waiver, modification, variance, or other exemption from the requirements of the Washington code for any element of construction or alterations, the certification determination will not constitute evidence of ADA compliance with respect to that element.

Dated: March 29, 1995.

Deval L. Patrick,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 95-8104 Filed 3-31-95; 8:45 am]

BILLING CODE 4410-01-M

POSTAL RATE COMMISSION**[Docket No. MC95-1 and Order No. 1049]****Mail Classification Schedule, 1995 Classification Reform I; Notice and Order on Filing of Major Revisions to the Domestic Mail Classification Schedule (With Related Postal Rate Changes)**

(Issued March 28, 1995)

Notice is hereby given that on March 24, 1995, the United States Postal Service filed a request with the Postal Rate Commission pursuant to section 3623 of the Postal Reorganization Act [39 U.S.C. 3623] for a recommended decision on proposed changes in the domestic mail classification schedule (DMCS). The proposed revisions also entail changes in rates. The Request includes several attachments and is supported by the testimony of 22 witnesses. It is on file in the Commission's docket room and is available for public inspection during regular business hours.

Nature and extent of proposed changes. The Service indicates that this proposal is the initial phase of a fundamental structural reform of the longstanding approach to mail classification. It asserts that an extensive review has shown that this type of reform is needed if it is to continue to meet its statutory obligations. Request at 1-2. In particular, the Service maintains that the requested amendments to the DMCS and its attendant rate schedules will further the general policies of efficient postal operations and reasonable rates enunciated in the Postal Reorganization Act, and conform to the criteria of 39 U.S.C. §§ 3622(b) and 3623(c). *Id.* at 9.

Mail users most directly affected by the revisions included in this phase of the proposed reform are current users of First-Class Mail, regular-rate second- and third-class mail. Also, the DMCS provisions relating to Express Mail and fourth class have been revised. Classification reforms affecting senders of nonprofit mail, parcels and Priority Mail are expected to be filed with the Commission at a later, unspecified time. *Id.* at 3-4. The proposed revisions entail numerous rate changes; however, the first ounce of First-Class Mail remains unchanged at 32 cents.

Service levels proposed as the basic criterion for mail classification. The Service proposes using the customer's choice of service level as the basic criterion for defining the classes of mail. These service levels, plus an independent grouping for periodicals, would supplant the existing classes of

mail, as follows: Expedited Mail for Express Mail; Standard Mail for third- and fourth-class mail; and a Periodicals class for second class. First-Class Mail would continue to be known by that name, but would have two distinct subclasses, as noted below.

Mail preparation proposed as the criteria for subclasses. The Service proposes defining subclasses within the proposed new classes of mail on the basis of the type of mail preparation performed by the customer. Two types of preparation would be recognized under the new structure: that which facilitates the use of advanced technology to accept, process and deliver the mail, and that which allows what the Service refers to as "the bulk bypass" of postal operations. Under these criteria, Automation and Retail subclasses of First-Class Mail replace the current regular First-Class Mail and First-Class postal and post cards subclasses. Similarly, Regular, Automation, and Enhanced Carrier Route subclasses of Standard Mail replace the regular-rate bulk third-class mail subclass. Regular and Publications Service subclasses within the new Periodicals class replace the regular-rate second-class mail subclass. Expedited Mail, like the corresponding Express Mail it replaces, is not divided into subclasses.

Principles underlying classification reform proposals. The Service says it has developed seven guiding principles for use in designing specific classification reform proposals. These are: the creation of homogeneous cost- and market-based subclasses; the application of pricing in a more effective manner; the encouragement of low-cost mailstreams; the modernization and standardization of mail entry requirements; the reduction of the impact of mail content in classification; the elimination of unnecessary classifications; and the addition of classifications only where significant market or operational needs exist. *Id.* at 3.

Effect on postal costs, volumes and revenues; "contribution neutrality." The Service maintains that the proposed rates are designed to recover approximately the same FY 1995 institutional cost contribution from the reformed subclasses as was projected in the Commission's Docket No. R94-1 Opinion and Recommended Decision for their predecessor subclasses for FY 1995. It says that this "contribution neutral" approach was selected because this Request was not intended to be a revenue case, nor an opportunity to challenge, change or improve on the Commission's conclusions drawn from

the record in Docket No. R94-1. The Service asserts that the rate changes included in this Request are solely for the purpose of applying the pricing factors of the Postal Reorganization Act to the reformed subclasses; it is not seeking to increase or decrease institutional cost contributions beyond the levels recommended by the Commission and approved by the Governors in Docket No. R94-1.

The Service notes that with two exceptions, it has made no methodological changes or departures from the Docket No. R94-1 Recommended Decision in this Request. The exceptions relate to estimates of the costs, volumes and revenues for the new subclasses and the city carrier single subclass stop issue. *Id.* at 6. With respect to the latter, the Service says that it has included only volume variable city carrier street time costs in the attributable cost base; it has included the remaining costs attributed in the Commission's Docket No. R94-1 Recommended Decision for each relevant existing subclass in the net revenue target for the pertinent group of reform subclasses. *Id.* The Service also notes that adjustments to the Docket No. R94-1 forecasts for First- and third-class prebarcoded flats have been adjusted, and the base for the prebarcode portion of First-Class letters and cards has been recast to incorporate additional information from mailing statements. *Id.*

Organizational and editorial changes in the DMCS. The Service also proposes conforming organizational changes in the DMCS. Pursuant to these changes, single-piece third-class mail and nonprofit third-class mail would be included in Standard Mail, as would Fourth-class Parcel Post, Bulk Parcel Post, Bound Printed Matter, Special and Library rate subclasses. The current second-class preferred rate classifications for Within County, Nonprofit, Classroom and Science of Agriculture publications would be included in the new Periodicals class. Priority Mail would remain a subclass in First-Class Mail. The Service maintains that no rate changes or substantive classification changes are requested for these existing classifications. The Postal Service also proposes a number of editorial changes to the Special Service Rate and Classification schedules to reflect changes in the names and organization of the restructured classes and subclasses. The Service also proposes consolidating and updating the General Definitions and General Terms and Conditions of the DMCS. *See generally* Request at 7-8.

In conjunction with the proposed classification reform and DMCS reorganization, the Service requests the Commission to recommend editorial changes included in the DMCS provisions and in the Rate Schedules set forth, respectively, as Attachments A and B of its Request. The rate schedules are also reproduced as an attachment to this order. The Service says these changes, designed to streamline and standardize the DMCS, include: renumbering to eliminate the current four-decimal place section numbering structure; standardization of the organizational structure so that related provisions are in the same numbered sections in each classification schedule; inclusion in the text of the reformed subclasses provisions not set forth in footnotes to the rate schedules; consolidation of small sections; elimination of redundant and obsolete material; and use of headings for all sections. *Id.* at 8–9.

Public hearings; intervention. The Commission intends to hold public hearings on the Service's proposed changes. Involvement in these hearings generally takes the form of either full intervention or limited participation. See Commission rules 20 and 20a [39 CFR § 3001.20 and 20a]. Commenter status is available for persons wishing to express their views informally, without incurring the obligations that attach to the two other forms of participation. See Commission rule 20b [39 CFR § 3001.20b]. Those wishing to be heard in this matter as either a full intervenor or limited participant are directed to file a written notice of intervention identifying the status they intend to assume and affirmatively stating how actively they expect to participate. Limited participants are advised to review recent revisions to Commission rules of practice clarifying their obligation to respond to discovery requests under certain circumstances.

Notices should be sent to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street NW., Washington, DC 20268–0001, on or before April 24, 1995. Commenter status does not require a notice of intervention.

Representation of the general public. In conformance with section 3624(a) of title 39, the Commission designates W. Gail Willette, Director of the Commission's Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for

the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding. The OCA shall be separately served with three copies of all filings, in addition to and contemporaneous with, service on the Commission of the 24 copies required by section 10(c) of the rules of practice [39 CFR § 30001.10(c)].

Special rules of practice. This proceeding will be conducted pursuant to special evidentiary rules of practice set forth as Attachment A. With the exceptions noted below, these special rules are essentially the same as those utilized in Docket No. R94–1. The Presiding Officer may alter these rules for good cause at any subsequent point during this proceeding. Participants are encouraged to carefully review the terms of all the rules, with special attention to the three noted below. Special Rule No. 2C retains the 14-day deadline for filing answers to discovery requests. The Commission notes that this deadline is applicable not only to intervenors and the OCA, but to the Service as well. Special Rule No. 3, relating to service of documents, has been changed to reflect the Commission's recent amendment of rule 12(b). The amendment imposes an affirmative duty upon participants to request service of certain documents. See 60 FR 12113 (March 6, 1995).

The text of Special Rule No. 1D relating to designations also has been revised by eliminating a reference that proved confusing in Docket No. R94–1. This revision is not intended to make any substantive change in the rule. In addition to this change, the Commission notes a larger concern based on experience with the rule in Docket No. R94–1. During the course of that proceeding, confusion over the scope and applicability of the designation rule gave rise to extensive counter-designations, motion practice and rulings. This seriously undermined one of the main purposes underlying use of the rule, which is to foster expedition. Absent a better understanding among participants about the purpose of designations and the proffer that must be made to support a motion for their acceptance, the Commission has serious reservations about the rule's continued efficacy. Given this concern, the Commission asks that participants be prepared to address the designation process at the prehearing conference.

Initial prehearing conference: date, location and agenda. The Commission will convene a prehearing conference at 9:30 a.m. on Tuesday, April 25, 1995. The conference will be held in the

Commission's hearing room at 1333 H Street NW., Suite 300, in Washington, DC. The Commission expects persons attending the meeting to be prepared to discuss procedural and scheduling matters pertinent to the Service's filing, and other issues such as the potential for settlement of any issues or other opportunities for expedition.

In the interest of conducting a comprehensive conference, participants are directed to file a notice of issues they would like to raise for consideration no later than 7 days before the prehearing conference. Suggestions need not be limited to procedural matters, but may include substantive issues to the extent that considering them at this stage may contribute to expedition of the entire proceeding. A final agenda incorporating participants' suggestions will be distributed at the outset of the prehearing conference. The Presiding Officer may schedule additional prehearing conferences if circumstances warrant.

Other matters. The Commission intends to complete hearings on the Postal Service's filing and issue its recommended decision and opinion promptly. Although a firm procedural schedule has not been developed at this time, the Commission anticipates conducting hearings during the months of June and September. Parties are advised to plan their business and personal schedules accordingly. The Commission also encourages participants to use informal conferences to resolve as many technical questions about testimony, workpapers and exhibits as possible. In addition, the Commission strongly encourages participants to resolve disputes or concerns between or among themselves, reserving motions invoking the Presiding Officer's involvement (or that of the Commission) for only the most significant issues or intractable disagreements. In furtherance of this policy, the Presiding Officer may require participants to document their attempts at early and informal resolution as a condition of accepting motions for relief.

Docket room hours of operation. Documents may be filed with the Commission's docket section Monday through Friday between 8 a.m. to 5 p.m. Questions about docket room operations should be directed to Ms. Peggie Brown at 202–789–6845.

It is ordered:

1. The Commission will sit en banc in this proceeding.
2. Notices of intervention shall be filed no later than April 24, 1995.

3. A prehearing conference will be held on Tuesday, April 25, 1995 at 9:30 a.m. in the Commission's hearing room.

4. Participants are directed to file notices of issues to be addressed at the prehearing conference not later than 7 days prior to the conference.

5. This proceeding will be conducted pursuant to the special rules of practice set out as Attachment A.

6. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the interests of the general public in this proceeding.

7. The Secretary shall cause this Notice and Order to be published in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,
Secretary.

Attachment A—Special Rules of Practice

1. Evidence

A. Case-in-chief

A participant's case-in-chief shall be in writing and shall include the participant's direct case and rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by a trial brief or legal memoranda. There will be a stage providing an opportunity to rebut presentations of other participants and for the Postal Service to present surrebuttal evidence.

B. Exhibits

Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains or represents. The title may also contain a statement of the purpose for which the exhibit is offered; however, this statement will not be considered part of the evidentiary record. Where one part of a multi-page exhibit is based on another part or on another exhibit, appropriate cross-references should be made. Relevant exposition should be included in the exhibits or provided in accompanying testimony.

C. Motions to Strike

Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at least 14 days before the scheduled appearance of the witness. Responses to motions to strike are due within seven days.

D. Designation of Evidence from other Commission Dockets

Participants may request that official notice be taken of evidence received in other Commission proceedings. These requests should be made by motion, should explain the purpose of the designation, and should identify material by page and line or paragraph number. Absent extraordinary justification, these requests must be made at least 28 days before the date for filing the participant's direct case. If requests for designations and counter-designations are granted, the moving participant must submit two copies of the approved material to the Secretary of the Commission for inclusion in the record.

Oppositions to motions for designation and/or requests for counter-designations shall be filed within 14 days.

2. Discovery

A. General

Rules 25, 26 and 27 apply during the discovery stage of this proceeding except when specifically overtaken by these special rules. Questions from each participant should be numbered sequentially, by witness.

The discovery procedures set forth in the rules are not exclusive. Parties are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

In the interest of reducing motion practice, parties also are encouraged to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

B. Objections and Motions to Compel Responses to Discovery

Upon motion of any participant in the proceeding, the Commission or the presiding officer may compel production of documents or items or compel an answer to an interrogatory or request for admissions if the objection is overruled. Motions to compel should be filed within 14 days of an objection to the discovery request.

Parties who have objected to interrogatories or requests for production of documents or items which are the subject of a motion to compel shall have seven days to answer. Answers will be considered

supplements to the arguments presented in the initial objection.

C. Answers to Interrogatories

Answers to discovery requests shall be prepared so that they can be incorporated as written cross-examination. Each answer shall begin on a separate page, identify the individual responding, and set forth the participant who asked the question and the number and text of the question.

Participants are expected to serve supplemental answers to update or to correct responses whenever necessary, up until the date that answers are accepted into evidence as written cross-examination. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

Participants may submit discovery responses with a declaration of accuracy from the respondent in lieu of a sworn affidavit.

Answers to discovery are to be filed within 14 days of the service of the discovery request. Participants are urged, but not required, to deliver discovery requests by hand to those who are subject to the 14-day deadline.

D. Follow-up Interrogatories

Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial discovery period ends. They must be served within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

E. Discovery to Obtain Information Available Only from the Postal Service

Rules 25 through 27 allow discovery reasonably calculated to lead to admissible evidence during a noticed proceeding with no time limitations. Generally, through actions by the presiding officer, discovery against a party is scheduled to end prior to the receipt into evidence of that party's direct case. An exception to this procedure shall operate when a participant needs to obtain information (such as operating procedures or data) available only from the Postal Service. Discovery requests of this nature are permissible up to 20 days prior to the filing date for final rebuttal testimony.

3. Service

Interrogatories, objections and answers thereto should be served, in conformance with Rule 12, on the Commission, the OCA (three copies), on the complementary party, and on any

other participant so requesting. Participants will be deemed to have requested service for purposes of these special rules unless they file a document to the contrary with the Commission.

Parties should include informative titles to identify the content of any filing. When possible, the relief requested or the issue addressed should be noted. Transmittal documents should identify the answers or other materials being provided.

4. Cross-examination

A. Written cross-examination

Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence.

Designations of written cross-examination should be served three or more working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, "OCA-T1-17 to USPS witness Jones, answered by USPS witness Smith (July 1) as updated (July 21).") When a participant designates written cross-examination, two copies of the actual documents to be included shall simultaneously be submitted to the Secretary of the Commission.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination, alphabetically by participant initially posing the question. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will be stricken from the record.

B. Oral cross-examination

Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three or more working days before the announced appearance of a witness and should include (1) specific references to

the subject matter to be examined and (2) page references to the relevant direct testimony and exhibits.

Participants intending to use complex numerical hypotheticals or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be provided to counsel for the witness at least two calendar days (including one working day) before the witness's scheduled appearance.

5. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda. Legal memoranda on matters at issue will be welcome at any stage of the proceeding.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony adverse to the participant conducting the cross-examination.

Library references may be submitted when documentation or materials are too voluminous reasonably to be distributed. Each party should sequentially number items submitted as library references and provide each item with an informative title. Parties are to file and serve a separate Notice of Filing of Library Reference(s). Library material is not evidence unless and until it is designated and sponsored by a witness.

Attachment B

1. Amend Rate Schedules 500, 501, 502, 503 as follows:

EXPRESS MAIL RATE SCHEDULES 121, 122, AND 123*

[Dollars]

Schedule 121	Schedule 122	Schedule 123	
Same day air-port service	Custom designed	Next day and second day PO to PO	Next day and second day PO to addressee

[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THESE SCHEDULES OTHER THAN THE ORGANIZATIONAL CHANGES NOTED ABOVE]

2. Replace Rate Schedule 100 with proposed Rate Schedules 221 and 222.

FIRST-CLASS MAIL RATE SCHEDULE 221 RETAIL SUBCLASS

	Rate (cents)
First Ounce:	
Single Piece	32.0
Presort	30.0
Additional Ounce	23.0
Presort Discount for Pieces over 2 Ounces	4.6
Nonstandard Size Surcharge:	
Single Piece	11.0
Presort	5.0
Postal and Post Card Discount	11.0

FIRST-CLASS MAIL RATE SCHEDULE 222 AUTOMATION SUBCLASS

	Rate (cents)
First Ounce:	
Basic	27.0
Three-Digit	25.0
Five-Digit	23.5
Carrier Route	23.2
Basic Flats	29.0
3/4-Digit Flats	27.0
Additional Ounce	23.0
Presort Discount for Pieces over 2 Ounces	4.6
Nonstandard Size Surcharge	5.0
Post Card Discount	9.5

3. Amend Rate Schedule 103 as follows:

FIRST-CLASS MAIL RATE SCHEDULE 223 PRIORITY MAIL SUBCLASS*

[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THIS SCHEDULE OTHER THAN THE ORGANIZATIONAL CHANGES NOTED ABOVE]

4. Amend Rate Schedule 300 as follows:

STANDARD MAIL RATE SCHEDULE 321.1 SINGLE PIECE SUBCLASS

	Rate (cents)
Basic Rate:	
One ounce or less.	
Not more than two ounces.	
Not more than three ounces.	
Not more than four ounces.	
Not more than five ounces.	
Not more than six ounces.	
Not more than seven ounces.	
Not more than eight ounces.	
Not more than nine ounces.	
Not more than ten ounces.	
Not more than eleven ounces.	
Not more than thirteen ounces.	
More than thirteen But less than sixteen ounces.	

**STANDARD MAIL RATE SCHEDULE
321.1 SINGLE PIECE SUBCLASS—
Continued**

	Rate (cents)
[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THIS SCHEDULE OTHER THAN THE ORGANIZATIONAL CHANGES NOTED WITHIN, INCLUDING THE RELOCATION OF THE FOOTNOTES TO THE CLASSIFICATION SCHEDULE]	
Nonstandard Surcharge	
Keys and identification devices:	
First 2 ounces	
Each additional 2 ounces	

5. Replace Rate Schedule 301 with proposed Rate Schedules 321.2, 321.3 and 321.4.

**STANDARD MAIL RATE SCHEDULE
321.2 REGULAR SUBCLASS**

	Rate (cents)
Letter Size:	
Piece Rate:	
Basic	26.1
3/5-Digit	21.9
Destination Entry Discount Per Piece:	
BMC	1.3
SCF	1.7
Non-Letter Size:	
Minimum Per Piece Rate:	
Basic	30.5
3/5-Digit	23.7
Destination Entry Discount Per Piece:	
BMC	1.3
SCF	1.7
Pound Rate:	68.7
Plus Per Piece Rate:	
Basic	16.3
3/5-Digit	9.5
Destination Entry Discount Per Pound:	
BMC	6.1
SCF	8.1

**STANDARD MAIL RATE SCHEDULE
321.3 AUTOMATION SUBCLASS**

	Rate (cents)
Letter Size:	
Piece Rate:	
Basic Letter	17.5
3-Digit Letter	16.8
5-Digit Letter	15.0
Carrier Route Letter	14.1
Destination Entry Discount Per Piece:	
BMC	1.3
SCF	1.7
DDU	2.2

**STANDARD MAIL RATE SCHEDULE
321.3 AUTOMATION SUBCLASS—
Continued**

	Rate (cents)
Flat Size:	
Minimum Per Piece Rate:	
Basic Flat	23.7
3/5-Digit Flat	19.0
Destination Entry Discount Per Piece:	
BMC	1.3
SCF	1.7
Pound Rate:	51.0
Plus Per Piece Rate Basic Flat	13.2
3/5-Digit Flat	8.5
Destination Entry Discount Per Pound:	
BMC	6.1
SCF	8.1

**STANDARD MAIL RATE SCHEDULE
321.4 ENHANCED CARRIER ROUTE
SUBCLASS**

	Rate (cents)
Minimum Per Piece Rate:	
Basic	15.5
High Density	14.8
Saturation	13.5
Destination Entry Discount Per Piece:	
BMC	1.3
SCF	1.8
DDU	2.3
Pound Rate:	51.0
Plus Per Piece Rate:	
Basic	5.0
High Density	4.3
Saturation	3.0
Destination Entry Discount Per Pound:	
BMC	6.4
SCF	8.5
DDU	11.1

6. Amend Rate Schedules 302, 400, 401, 402, 405, and 406 as follows:

**Standard Mail Rate Schedule 321.5
Nonprofit Subclass¹**

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedules 322.1A,
322.2A Parcel Post and Bulk Parcel Post
Subclasses Basic Rates***

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedules 322.1B
and 322.2B Parcel Post and Bulk Parcel
Post Subclasses Destination BMC Rates***

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedule 322.3A
Bound Printed Matter Subclass Single
Piece Rates***

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedule 322.3B
Bound Printed Matter Subclass Bulk
and Carrier Route Presort Rates¹**

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedule 323.1
Special Subclass**

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

**Standard Mail Rate Schedule 323.2
Library Subclass**

[The Postal Service does not request any change in this schedule other than the organizational changes noted above]

7. Replace Rate Schedule 200 with proposed Rate Schedules 421 and 422.

**PERIODICALS RATE SCHEDULE 421
REGULAR SUBCLASS**

	Rate (cents)
Per Pound:	
Nonadvertising portion	19.4
Advertising portion:	
DDU	21.8
SCF	23.9
Zone 1 & 2	25.9
3	26.8
4	29.4
5	33.2
6	37.2
7	42.0
8	46.2
Science of Agriculture:	
DDU, SCF, Zone 1 & 2:	
The Postal Service does not request any change in these rates	
Zone 1 & 2}IN THESE RATES]	
Per Piece: Less Nonadvertising Discount of 0.066 Cents for Each 1% of Nonadvertising Content:	
Basic	27.2
3/5-Digit	21.7
Carrier Route	16.6
Discounts:	
DDU	2.1
SCF	1.1
High Density	0.7
Saturation	2.0
Automation Discounts:	
From Basic:	
Barcoded Letter	4.6
Barcoded Flat	3.5
From 3/5-Digit:	
Barcoded Letter	2.9
Barcoded Flat	2.9

PERIODICALS RATE SCHEDULE 422 PUBLICATIONS SERVICE SUBCLASS		8. Amend Rate Schedules 201, 202, and 203 as follows:	Periodicals Rate Schedule 423.4 Classroom Publications ¹⁰
	Rate (cents)	Periodicals Rate Schedule 423.2 Within County	[The Postal Service does not request any change in this schedule other than the organizational changes noted above]
Per Pound:		[The Postal Service does not request any change in this schedule other than the organizational changes noted above]	9. Amend Rate Schedules SS-4, SS- 13 and 1000, by inserting the underlined text and deleting the text set off with brackets, as follows:
DDU	10.8	Periodicals Rate Schedule 423.3 Publications of Authorized Nonprofit Organizations ¹⁰	
SCF	12.9		
Zone 1 & 2	15.0		
3, 4 & 5	19.3		
6, 7 & 8	31.1		
Per Piece:			
Basic	14.7		
Carrier Route	8.3	[The Postal Service does not request any change in this schedule other than the organizational changes noted above]	
Discounts:			
DDU	2.1		
SCF	1.1		

SCHEDULE SS-4: CERTIFICATES OF MAILING

	(Fee in addition to postage)
Individual pieces: Original certificate of mailing for listed pieces of all classes of ordinary mail (per piece) Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece) Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and COD mail (each copy)	[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THESE FEES]
Bulk pieces Identical pieces of [f]First-Class and [third-]Single Piece, Regular, Automation, Enhanced Carrier Route, and Nonprofit Standard [class m]Mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees: Up to 1,000 pieces (one certificate for total number) Each additional 1,000 pieces or fraction Duplicate copy	
Schedule SS-13: Parcel Air Lift	
Weight	Fee (In addition to [p]Parcel [p]Post postage)
Up to 2 pounds Over 2 up to 3 pounds Over 3 up to 4 pounds Over 4 pounds	[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THESE FEES]
Schedule 1000—Fees	
First-Class [p]Presorted [m]Mailing [f]Fee. [Second-class]Periodicals [mailing] [f]Fees: A. Original [e]Entry. B. Additional [e]Entry. C. Publications Service Entry. D. [Second-class] [r]Re-entry [fee]. E. [Second-class] [r]Registration for [n]News [a]Agents. [Third-class]Regular, Automation, Enhanced Carrier Route, and Nonprofit Standard Mail [b]Bulk [m]Mailing [f]Fee. [Fourth-class p]Parcel [p]Post: [d]Destination BMC/[ASF] [Fourth-class] [s]Special Standard [m]Mail [p]Presorted [m]Mailing [f]Fee Authorization to [u]Use [p]Permit [i]Imprint Merchandise [r]Return (per facility receiving merchandise return labels) Business [r]Reply [m]Mail [p]Permit	[THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THESE FEES] \$305.00 [THE POSTAL SERVICE DOES NOT REQUEST ANY CHANGE IN THESE FEES]

[FR Doc. 95-8107 Filed 3-31-95; 8:45 am]
BILLING CODE 7710-FW-P

[Docket No. A95-7; Order No. 1050]

Toronto, Iowa 52343-0066; (Deb Bartels, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Issued: March 29, 1995.

Docket Number: A95-7

Name of Affected Post Office: Toronto, Iowa 52343-0066

Name(s) of Petitioner(s): Deb Bartels, et al.

Type of Determination: Closing

Date of Filing of Appeal Papers: March 24, 1995

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. § 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. § 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by April 10, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,
Secretary.

March 24, 1995—Filing of Appeal letter
March 29, 1995—Commission Notice and Order of Filing of Appeal

April 18, 1995—Last day of filing of petitions to intervene [see 39 C.F.R. § 3001.111(b)]
April 28, 1995—Petitioners' Participant Statements or Initial Brief [see 39 C.F.R. § 3001.115(a) and (b)]
May 18, 1995—Postal Service's Answering Brief [see 39 C.F.R. § 3001.115(c)]
June 2, 1995—Petitioners' Reply Brief should Petitioners choose to file one [see 39 C.F.R. § 3001.115(d)]
June 9, 1995—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. § 3001.116]
July 22, 1995—Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)]

[FR Doc. 95-8108 Filed 3-31-95; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35537; File No. SR-Amex-95-02]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Minimum Fractional Changes

March 27, 1995.

On January 31, 1995, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to increase from \$5 to \$10 the price level below which equity securities are traded in sixteenths.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35338 (February 7, 1995), 60 FR 8432 (February 14, 1995). No comments were received on the proposal.

The rule change amends Amex Rule 127 to allow the minimum fractional changes in sixteenths (\$.0625) for all securities priced between \$.25 and \$10. Amex Rule 127 will continue to provide that the minimum fractional change for dealings in securities priced below \$.25 will be in thirtyseconds (\$.03125), and for securities priced above \$10 the minimum fractional change will continue to be in eighths (\$.125).³

¹ 15 U.S.C. 78s(b)(1) (1988).

² 17 CFR 240.19b-4 (1994).

³ In 1992, the Commission approved amendments to Amex Rule 127 to provide that securities selling between \$.25 and \$.50 could be traded in sixteenths. See Securities Exchange Act Release No. 31118 (August 28, 1992), 57 FR 40484 (September 3, 1992).

At the time of publication of the Commission release noticing this proposal, the Intermarket Trading System ("ITS") was not equipped to accommodate trading in sixteenths for stocks priced above \$5. However, at the February 1995 meeting of the ITS Operating Committee, the ITS participants approved enhancements to ITS to permit trading in sixteenths for Tape B securities⁴ priced under \$10. The Amex represents that these system modifications have been made and that the system now is able to accommodate trading all Amex securities priced below \$10 in sixteenths.⁵

The Commission finds that the proposed rule change to increase from \$5 to \$10 the price level below which equity securities are traded in sixteenths is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Sections 6(b) and 11A.⁶ The Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest. Additionally, the Commission believes that the proposal is consistent with Section 11A, which requires the Commission to facilitate the establishment of a national market system. Pursuant to Section 11A, a national market system should assure, among other things, fair competition between the exchanges, economically efficient execution of securities transactions and the practicability of brokers executing investors' orders in the best market.

The Commission believes that market quality should be enhanced by applying a minimum fractional change of $\frac{1}{16}$, rather than $\frac{1}{8}$, to securities selling below \$10. The Commission believes that decreasing such trading variations should help to produce more accurate pricing of such securities and can result in tighter quotations. In addition, if the quoted markets are improved by the

⁴ The Consolidated Tape, operated by the Consolidated Tape Association ("CTA"), compiles last sale reports in certain listed securities from all exchanges and market makers trading such securities and disseminates these reports to vendors on a consolidated basis. Amex-listed stocks and qualifying regional-listed stocks are reported on CTA Tape B.

⁵ The Amex will verify that the other ITS participants have completed any necessary system modifications before trading securities priced between \$5 and \$10 in sixteenths. See letter from Arne G. Michelson, Amex, to ITS Operating Committee, dated March 7, 1995.

⁶ 15 U.S.C. 78f(b) and 78k-1 (1988).